Remarks

The Examiner will see that independent claims 31, 43 and 73 have been amended to recite the feature "wherein the hierarchical arrangement of levels of paths/levels of LSPs comprises a hierarchical arrangement of Quality of Service (QoS) capable Multi-Protocol Label Switch (MPLS) tunnels" as previously claimed in claim 4 as originally filed. Accordingly, it is submitted that no new issues are raised by this response which should be entered.

Applicants apologize for the mistake in claim numbering which has been corrected as suggested by the Examiner. Applicants are also grateful for the Examiner's careful analysis of informalities and points of unclarity. Applicants have corrected or amended the claims to satisfy each of the Examiner's points, except for the point relating to each of claims 41, 58, 88 and 101. On this point, a "second Layer 1 LSP" is not missing. This label need not be attached at the network edge but, rather, at the start of the second Layer 2 LSP.

As regards the Examiner's rejection of claims 39, 51, 64, 81 and 93 under 35 USC 112, the applicants have cancelled these claims.

Applicants are grateful for the Examiner's indication of allowable subject matter and have amended claims 55 to 58 to include all of the limitations of base and intervening claims. Accordingly, claims 55 to 58, 60 to 72, and 85 to 101 are believed to be allowable in their present form.

Turning to the Examiner's rejection of the remaining claims under 35 USC §102 and 35 USC §103, applicants have amended each of the independent claims 31, 43, and 73 to include the feature "wherein the hierarchical arrangement of levels of paths/levels of LSPs comprises a hierarchical arrangement of Quality of Service (QoS) capable Multi-Protocol Label Switch (MPLS) tunnels". The Examiner will see

that newly-cited US 6,778,496 (Meempat) not only fails to disclose the use of QoS capable MPLS tunnels, but specifically and without reservation teaches away from this feature. The Examiner is kindly requested to carefully consider column 4, lines 57 to 63 of Meempat where it is stated

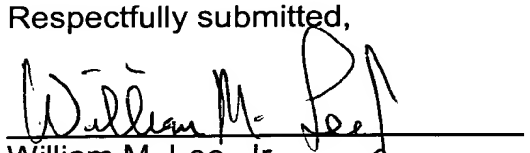
> "Furthermore a packet prioritization scheme such as Diffserv is implemented at the routers to support QoS management. Those skilled in the art however, recognize the desirability of functional independence between MPLS and packet prioritization, if implemented. To be specific, no bandwidth is reserved per MPLS path since that would limit scalability and achievable statistical multiplexing games." (emphasis added)

The Examiner will see that Meempat specifically teaches away from bandwidth reservation per MPLS path. Thus, the paths are not QoS capable. Rather, packet prioritization, if implemented, is achieved through an independent mechanism such as Diffserv.

Accordingly, applicants believe that the present invention is in condition for allowance and request favorable reconsideration.

February 2, 2005

Respectfully submitted,



William M. Lee, Jr.
Registration No. 26,935
Barnes & Thornburg LLP
P.O. Box 2786
Chicago, Illinois 60690-2786
(312) 214-4800
(312) 759-5646 (fax)

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